IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

WP(C).No. 24577 of 2007(A)

PETITIONER:

MANAGER, CENTRAL U.P.S, NATTIKA.

BY ADV. SRI.K.B.GANGESH
SMT.SMITHA CHATHANARAMBATH

RESPONDENTS:

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1. STATE OF KERALA REP. BY THE SECRETARY TO GOVERNMENT,DEPARTMENT OF GENERAL EDUCATION, SECRETARIAT,THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION, THRISSUR.

3. THE AEO,VALAPPAD.

BY GOVERNMENT PLEADER SRI.T.T.MUHAMOOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.24577 OF 2007

Dated this the 14th day of August, 2007

JUDGMENT

The grievance of the petitioner who is stated to be the manager of an aided Upper Primary School at Nattika in Thrissur district, is that approval for appointment of a substitute teacher against a leave vacancy is being declined without any justifiable reason. There is yet another grievance that vacation salary to another substitute teacher is being denied without any valid reason. According to the petitioner, there is no legal impediment for granting approval for appointment, particularly since the disciplinary proceedings initiated against the teacher who had availed of leave without allowance had already been concluded on March 31, 2007 as directed by the Government. The said order has become final and therefore there is no legal impediment now in granting approval to the appointment of the substitute teacher and also for release of vacation salary to the other teacher.

2. I do not propose to deal with the above contentions at this stage, in view of the limited prayer made by learned counsel for the petitioner at the Bar. He submits that petitioner has preferred Ext.P2 revision petition before the Government highlighting all the relevant aspects of the issue. Ext.P3 representation which is filed with the same request is also pending. The prayer is to issue a direction to respondent no.1 to take a decision on Ext.P2 revision petition without any delay. Learned Government Pleader submits that if Ext.P2 revision petition has been preferred as contended by the petitioner, a decision thereon will be taken expeditiously.

3. In the above facts and circumstances, writ petition is disposed of with a direction to respondent no.1 to consider and pass orders on Exts.P2 and P3 strictly on their merit and in accordance with law as expeditiously as possible, at any rate, within three months from the date of receipt of a copy of this judgment. Respondent no.1 shall ensure that the petitioner and the teachers concerned are afforded sufficient opportunity to be heard before any decision is taken in the

matter. Petitioner shall produce a copy of the writ petition along with a certified copy of the judgment before respondent no.1 for compliance.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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